

ARTICLE APPEARED
ON PAGE A-11

WASHINGTON POST
23 March 1985

Nazi-Hunt Methods Protested

Ethnic Coalition Objects to Soviet Evidence, Lack of Juries

By Jay Mathews
Washington Post Staff Writer

LOS ANGELES, March 22—A coalition of American ethnic organizations, alarmed by the Justice Department's hunt for war criminals among Eastern European emigrants, today launched a protest against use of Soviet-collected evidence and denial of jury trials in such U.S. investigations.

Current and former department officials said the 10-group alliance, which claims potentially strong support in Congress and the backing of 35 million Americans of Eastern European descent, could cripple the recently revived effort to find former Nazis and Nazi collaborators in the United States.

One former Justice Department Nazi hunter, New York attorney Eli Rosenbaum, said he is so concerned about what he considers a rampant anti-Semitic campaign by the Coalition for Constitutional Justice and Security that he has spent much of his free time trying to alert Jewish groups to it.

Eastern European ethnic community leaders told a news conference here today that, in trying to prove their case, they plan to use testimony of former Soviet agents and recent U.S. court opinions disallowing the use of Soviet evidence.

Moscow "has infiltrated the American justice system to get even with former refugees, defectors and 'anti-Soviet' activists," Anthony B. Mazeika, vice president of the Los Angeles-based Baltic American Freedom League, said in an interview.

The coalition, after conversations with Reagan administration officials and a letter-writing campaign directed at the White House and the State and Justice departments, is preparing to lobby Congress for hearings and changes in a 1978 law that provides for deportation of Nazi collaborators.

The group, founded Jan. 12 during a meeting in Washington, has won a Veterans of Foreign Wars resolution calling for an investigation of the office of special investi-

gations (OSI) at the Justice Department, and a similar resolution is expected to pass the Michigan Senate soon.

The OSI, established in 1979 to investigate a rash of war criminal reports, recently has intensified its search for Auschwitz doctor Josef Mengele, considered the most notorious surviving Nazi war criminal, and for clues of possible postwar connections between Mengele and U.S. intelligence officers.

Justice Department officials, under agreements worked out in Moscow in 1977, 1978 and 1980, have visited the Soviet Union to collect depositions or videotaped testimony from witnesses of wartime collaboration by persons who later immigrated to the United States.

Many of the incidents occurred in Latvia, Lithuania and the Ukraine, where anticommunist and anti-Semitic sentiment led many people to cooperate with German occupation forces.

Martin Mendelsohn, a former Justice Department official who conducted the initial discussions in Moscow, said careful checks showed that evidence provided by the Soviets was authentic. U.S. courts, he said, remain free to disregard it if they have doubts.

Baltic American Freedom League president Val Pavlovskis, a Latvian-born city planner and former U.S. Marine officer, called the Soviet cooperation "official systematic disinformation."

Rosenbaum and OSI director Neal Sher said the Soviet testimony has satisfied U.S. judicial review in nearly every case.

Sher told the Anti-Defamation League of B'nai B'rith that the "KGB defense" has been used several times during war crimes trials in West Germany and that "not once to my knowledge" has a court there "found that the Soviets supplied forged documents or suborned perjury."

A few U.S. judges have rejected Soviet evidence, however. Among them is 9th U.S. Circuit Court of Appeals Judge Thomas Tang, who in January reversed an order to de-

port accused Latvian collaborator Edgars Laipenieks.

"We find that the procedural irregularities caused by the Soviet participation in the procurement of the deposition testimony cast the reliability of such testimony into doubt," Tang said. "The Soviet officer frequently and sharply curtailed defense counsel's opportunity to cross-examine the deposition witness" and referred in the presence of the witness to "Nazi criminal Laipenieks."

Imants Lesinskis, a Latvian-born defector and former Soviet diplomat, said Moscow is sophisticated in dealing with U.S. prosecutors and will select targets for damaging testimony carefully but will make sure that the Americans "are not getting the true picture." He acknowledged that he has no evidence of specific Soviet fabrications.

Rosenbaum said that emigrant leaders speak of "due process" when addressing public forums in English but that anti-Semitic sentiment "is rampant" in their native-language newspapers. He cited references in a Lithuanian-language paper to Jews' being "the first to torture and murder the hospitable Lithuanians" and to the OSI's being controlled by "the Jewish lobby."

Mazeika strongly denied that the coalition is anti-Semitic. He said his group and others seek Jewish support on grounds that Soviet officials providing evidence to the OSI "were the same ones who are sending prisoners of conscience, including many Jews, to the Gulags."

Nearly all U.S. hearings for accused collaborators have been without juries, because the penalties

Continued